

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHMAN, BERENBAUM & ASSOCIATES,
P.C., et. al.

V.

CAROLINA CASUALTY INSURANCE
COMPANY, et. al.

No. 02-CV-3195

**CO-DEFENDANT JEFFREY L. RUDNICK'S MOTION
FOR REMAND PURSUANT TO 28 U.S.C. § 1332 and 1447(c)**

Co – Defendant, Jeffrey L. Rudnick ("Rudnick"), by his attorneys, Weir & Partners LLP, moves this Honorable Court to remand this case to the Court of Common Pleas, Philadelphia County and in support thereof avers as follows:

1. On April 17, 2002, Plaintiffs Richman, Berenbaum & Associates, P.C. ("Richamn-Berenbaum"), a Pennsylvania professional corporation, filed a complaint for declaratory relief in the Court of Common Pleas, Philadelphia County, Pennsylvania under April Term, 2002, No. 2606. A time stamped copy of the cover page of the State court complaint is attached hereto, made a part hereof and marked Exhibit A.

2. Co-Plaintiff Reuben Klugman is a citizen of the state of Florida.

3. On May 23, 2002, Defendant Carolina filed a Notice for Removal in the United States District Court for the Eastern District of Pennsylvania as captioned above. See Exhibit B attached.

4. Defendant, Carolina Casualty Insurance Company ("Carolina") is a Florida corporation.

5. 28 U.S.C. § 1332 provides in part: "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different states".

6. Carolina and Klugman are not from different states. Both parties are from the state of Florida. As such, diversity is destroyed in the present case.

7. 28 U.S.C. § 1447(c) provides in part: "If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." Due to the lack of diversity between Klugman and Carolina, this Court lacks subject matter jurisdiction.

WHEREFORE, Co-Defendant, Jeffrey L. Rudnick requests this Honorable Court to remand this matter back to the State Court.

WEIR & PARTNERS LLP

Date: _____

BY: _____
WALTER WEIR, JR., ESQUIRE
1339 Chestnut Street, Suite 500
Philadelphia, PA 19107
(215) 665-8181
Attorney for Jeffrey L. Rudnick

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ORDER

AND NOW, this _____ day of June, 2002, upon consideration of Co-Defendant, Jeffrey L. Rudnick's Motion for Remand and any response thereto, it is hereby ORDERED and DECREED that this matter shall be remanded back to the Court of Common Pleas, Philadelphia County, Pennsylvania under April Term 2002, No. 2606.

BY THE COURT:

J.

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CERTIFICATE OF SERVICE

I, Walter Weir, Jr., Esquire, hereby certify that a true and correct copy of the Defendant, Jeffrey L. Rudnick's Motion for Remand Pursuant to Fed.R.Civ.P. §1332 and §1447(c) was served this date by first class mail, postage prepaid, upon the following:

Steven J. Polansky, Esquire
Spector Gadon & Rosen, P.C.
Seven Penn Center
1635 Market Street, 7th Floor
Philadelphia, PA 19103
Attorney for Defendant Carolina

Ellis Cook, Esquire
2200 Walnut Street
Philadelphia, PA 19103
Attorney for Plaintiffs

Reuben Klugman
Individually and as Trustee of the Reuben Klugman Trust
16733 Golf View Drive
Weston, FL 33326

Reed A. Bryan, Esquire
P.O. Box 2466
Fort Lauderdale, FL 33303-2466

Date: July 2, 2002

WALTER WEIR, JR., ESQUIRE